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Agilent Technologies, Inc. in care of:
CPA Global
P. O. Box 52050
Minneapolis, MN 55402

EXAMINER	
PATEL, JAYESH A	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DANIEL A. USIKOV

Appeal 2009-008929
Application 10/684,000
Technology Center 2600

Before JOHN C. MARTIN, ALLEN R. MacDONALD and MARC S. HOFF, *Administrative Patent Judges*.

MacDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL[1]

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[1] The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the "MAIL DATE" (paper delivery mode) or the "NOTIFICATION DATE" (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF CASE

Introduction

Appellant appeals under 35 U.S.C. § 134 from a rejection of claims 1-10 and 12-20. We have jurisdiction under 35 U.S.C. § 6(b).

Exemplary Claim(s)

Exemplary independent claim 1 under appeal reads as follows:

> 1. A method for processing 2D image data for reconstructing 3D image data therefrom, the method comprising:
> receiving a plurality of 2D images acquired at different angles of view; and
> iteratively processing the received 2D images to reconstruct 3D image data therefrom.

Rejections

1. The Examiner rejected claims 1-6 and 13-20 under 35 U.S.C. § 102(b) as being anticipated by Picard, U.S. Patent 5,442,674.

2. The Examiner rejected dependent claims 7-10 as being unpatentable under 35 U.S.C. § 103(a) over the combination of Picard and the article by Piccolomini et al ("Piccolomini").[2]

2. The Examiner rejected dependent claim 12 as being unpatentable under 35 U.S.C. § 103(a) over combination of Picard, Piccolomini, and Tam, U.S. Patent 5,053,958.

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[2] Piccolomini et al. was misstated in the rejection as "Elena Loli and Fabiana Zama."

Appellant's Contentions

Appellant contends that the Examiner erred in rejecting claims 1-10 and 12-20 because (emphasis omitted):

> Picard fails to teach iteratively processing received 2D images to reconstruct 3D image data therefrom. Instead, Picard is directed to calibrating an X-ray imaging device, in which Picard appears to teach iteratively processing 2D images to automatically determine parameters or calibration coefficients of the X-ray imaging device. While Picard mentions that its X-ray imaging device may be a device that captures 2D radiographic images at various different angles of incidence so that the captured 2D radiographic images may then be used to reconstruct 3D information, Picard does not address the reconstruction techniques that are employed for performing such reconstruction of 3D information from the captured 2D radiographic images. Picard certainly fails to teach iterative processing of the 2D images to reconstruct 3D image data. Instead, Picard is primarily focused on calibrating its X-ray imaging device that captures 2D images, and Picard appears to propose an iterative technique (using the conjugate gradient) for analysis of 2D images obtained for a calibration object (that comprises beads arranged it) to estimate parameters of the X-ray imaging device in order to automatically calibrate such device.

(App. Br. 7-8).

Issue on Appeal

Whether the Examiner has erred in rejecting claims 1-6 and 13-20 as being anticipated and claims 7-10 and 12 as being obvious because Picard fails to disclose the claim limitation at issue?

ANALYSIS

We agree with the Appellant's contention above.

CONCLUSIONS

(1) Appellant has established that the Examiner erred in rejecting claims 1-6 and 13-20 as being anticipated under 35 U.S.C. § 102(b).

(2) Appellant has established that the Examiner erred in rejecting claims 7-10 and 12 as being unpatentable under 35 U.S.C. § 103(a).

(3) On this record, claims 1-10 and 12-20 have not been shown to be unpatentable.

DECISION

The Examiner's rejections of claims 1-10 and 12-20 are reversed.

REVERSED

KIS

Agilent Technologies, Inc. in care of:
CPA Global
P. O. Box 52050
Minneapolis MN 55402